

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, v. 1-800-RECONEX, INC., d/b/a US TEL, Respondent.	DOCKET NO. FCU-04-32
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**ORDER APPROVING SETTLEMENT AGREEMENT AND
ASSESSING CIVIL PENALTY**

(Issued July 20, 2004)

On June 7, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to consider a civil penalty pursuant to Iowa Code § 476.103 (2003), asking that the Board review the proposed resolution in C-04-122, involving 1-800-Reconex, Inc., d/b/a US Tel (Reconex), and consider the possibility of assessing a civil penalty for an alleged slamming violation pursuant to Iowa Code § 476.103(4)"a."

In the complaint, Consumer Advocate asserted that Reconex switched the complaining customer's long distance service without proper authorization in violation of Iowa's anti-slamming law, § 476.103. The complaint was identified as Docket No. FCU-04-32.

On July 15, 2004, the parties to this docket, Consumer Advocate and Reconex, submitted a joint motion for approval of the settlement agreement contained in the motion. The settlement agreement addresses all issues in the docket and includes a monetary penalty against Reconex in the amount of \$500, which is to be paid within 30 days of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, is in conformance with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in this docket on July 15, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed July 15, 2004, 1-800-Reconex, Inc., d/b/a US Tel, is assessed a civil penalty in the amount of \$500. Payment is due within 30 days of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 20th day of July 2004.